

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KELLY CARROLL,
Plaintiff,

v.

WELLS FARGO & COMPANY, et al.,
Defendants.

Case No. [15-cv-02321-EMC](#) (KAW)

**ORDER REGARDING 7/5/16 JOINT
DISCOVERY LETTER -- SPECIAL
INTERROGATORY NO. 1**

Re: Dkt. No. 89

On July 5, 2016, the parties filed a joint discovery letter concerning Plaintiff's Special Interrogatory No. 1, which seeks identifying information for each member of the putative class, which consists of approximately 40,000 non-exempt employees who worked in retail bank locations in California during the statutory period. (Joint Letter, Dkt. No. 89.)

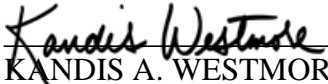
Defendants objected on the grounds that the interrogatory was overbroad and unduly burdensome given that Plaintiff held only one non-exempt position for six months during the class period. (Joint Letter at 4.) Wells Fargo offered to provide the information for a sample of 50 class members, which Plaintiff rejected. *Id.* Plaintiff has expressed a willingness to compromise, but wants a larger, unspecified sample size. *Id.* Plaintiff, however, has not addressed the proportionality requirement in Rule 26, so the undersigned is unable to determine whether the production of the information sought is proportional to the needs of the case.

Accordingly, the Court DENIES without prejudice Plaintiff's request to compel a supplemental response to Interrogatory No. 1, and orders the parties to further meet and confer. To assist the parties in their continued meet and confer efforts, the Court is not persuaded by Defendants' arguments that Plaintiff could not possibly contact all putative class members by the class certification deadline or that discovery should be limited to those employees who worked in

1 the same position and geographic area as Plaintiff. (*See* Joint Letter at 4, 6.) The parties shall file
2 another joint letter should they be unable to resolve this dispute without further court intervention.

3 IT IS SO ORDERED.

4 Dated: July 14, 2016

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KANDIS A. WESTMORE
6 United States Magistrate Judge
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United States District Court
Northern District of California